

REMARKS

Applicant thanks the Examiner for the detailed remarks and analysis. Claims 22, 24, 25, 27-31, 33, 35-39, 41 and 42 are currently pending. New claims 43-46 have been added.

1. Objection to Claims 22, 31, and 37

The Examiner objected to claims 22, 31, and 37 for allegedly failing to show the amendments previously made thereto and to include the claim identifier “Currently Amended” as opposed to “Previously Presented.” It is respectfully noted that the Examiner was likely looking at the Supplemental Amendment filed on November 14, 2008, in which the claims were not amended and which were properly identified as being “Previously Presented.” The identification of the claims in the November 14, 2008 Supplemental Amendment was correct, as the claim amendments to which the Examiner referred were presented in the original Amendment filed a day earlier on November 13, 2008 (in which original Amendment, the amendments were shown and the claims were properly identified as being “Currently Amended”). Thus, it is respectfully believed that the objection was erroneous.

2. Rejection of Claims 22, 27-31, 33, 35, and 36 under 35 U.S.C. § 102(b)

Claim 22 requires a fastening member received at least partially into openings to secure the first segments to each other and to place the first and second clips in a fixed position relative to each other. U.S. Patent 4,577,729 (“Karol”) does not disclose this feature. Instead, Karol discloses separate clips (40, 42) that are not secured to each other, but are instead secured to a separate bracket (38). Accordingly, claim 22 recites features not disclosed by Karol.

Claim 31 requires first and second overlapping clips adjustably secured to each other and to a mount. Karol does not disclose the feature. Instead, Karol discloses clips (40,42) that are spaced apart from each other that do not have any overlapping portion. Accordingly, claim 31 recites features not disclosed by Karol.

As claims 22 and 31 both include features that are not disclosed by Karol, Karol standing alone can not be used to reject these claims, or any claim dependent thereon, under 35 U.S.C. § 102(b). Moreover, as claims 27-30 depend from claim 22 and as claims 33, 35, and 36 depend from claim 31, each of these dependent claims is also allowable over Karol, without regard to the

other patentable limitations recited therein. Applicant, therefore, requests a withdrawal of the 35 U.S.C. § 102(b) rejections based on Karol.

3. Rejection of Claims 24, 25, 37-39, 41, and 42 under 35 U.S.C. § 103(a)

A. Rejection of Claims 24 and 25

Claims 24 and 25, which were rejected under 35 U.S.C. § 103(a) as allegedly being obvious when considering Karol in view of U.S. Patent No. 5,316,108 (“Pearson”), depend from claim 22. As previously discussed, Karol fails to teach or suggest each of the limitations of claim 22. Pearson fails to cure the deficiencies of Karol with respect to claim 22. Accordingly, the combination of Karol and Pearson can not be used to reject claim 22 or any claim dependent thereon. Moreover, as claims 24 and 25 depend from claim 22, each of these dependent claims is also allowable over the combination of Karol and Pearson, without regard to the other patentable limitations recited therein. Therefore, a withdrawal of the 35 U.S.C. § 103(a) rejection of claims 24 and 25 based on Karol and Pearson is earnestly solicited.

B. Rejection of Claims 37-39, 41, and 42

Claims 37-39, 41, and 42 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious when considering Karol standing alone. Claim 37 requires the step of positioning a first clip (20A) and a second clip (20B) about a guide rail (12) by securing the first clip (20A) to the second clip (20B), with at least part of the first and second clips overlapping each other. As discussed above Karol does not disclose this feature. Further, Karol does not suggest overlapping portions of the clips, as the structure of the Karol clip does not function nor provide a configuration suggestive of overlapping portions of the clips. Accordingly, claim 37 cannot be obvious over Karol as not all the features are disclosed nor does the structure provide any reason to suggest such a structure. In other words, Karol standing alone can not be used to reject claim 37, or any claim dependent thereon, under 35 U.S.C. § 103(a). Moreover, as claims 38, 39, 41, and 42 depend from claim 37, each of these dependent claims is also allowable over Karol, without regard to the other patentable limitations recited therein. Applicant, therefore, requests a withdrawal of the rejection of claims 37-39, 41, and 42 under 35 U.S.C. § 103(a) based on Karol.

4. New Claims 43-46

Applicant has added new claims 43-46 that recite features not disclosed in the cited prior art. Claim 43 depends from claim 22 and recites that a portion of each of the first and second clips overlap each other when in a fixed position. Claim 44, which depends from claim 43, recites that the second segments overlap each other when the first and second clips are in said fixed position. Claim 45 depends from claim 31 and recites that the first segments are secured to each other to place the first and second clips in a fixed position relative to each other. Claim 46 depends from claim 45 and recites that the second segments overlap each other when the first and second clips are in the fixed position. These features are not disclosed nor suggested by the cited prior art.

CONCLUSION

Accordingly, the claims are believed in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

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